

IN THE MATTER OF THE APPLICATION OF CHARLES ASHLEY FOR A ZONING RECLASSIFICATION FROM M.H.-I.M. TO B.R.-I.M. ON PROPERTY LOCATED ON THE NORTHEAST SIDE NORTH POINT BLVD. BETWEEN CITY LINE AND ROLLING MILL ROAD (6800 ROLLING MILL ROAD) 15TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. R-90-415 Item #16, Cycle III, 1990

ORDER OF DISMISSAL

Petition of Charles Ashley for Zoning Reclassification from M.H.-I.M. to B.R.-I.M. located on the northeast side North Point Boulevard between City Line and Rolling Road (6800 Rolling Mill Road) in the Fifteenth Election District of Baltimore County; and

WHEREAS, the Board of Appeals is in receipt of a letter of dismissal of Petition filed October 2, 1990 (a copy of which is attached hereto and made a part hereof) from Nicholas Commodari for Petitioner; and

WHEREAS, Mr. Commodari, on behalf of Charles Ashley, requests that the Petition filed herein be withdrawn and dismissed as of the above date,

IT IS HEREBY ORDERED this 5th day of October, 1990 by the County Board of Appeals of Baltimore County that said Petition be and the same is hereby WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
Chairman

Arnold G. Foreman

Harry E. Bucheister, Jr.

Mr. J. Robert Haines
Zoning Commissioner

RE: CASE # R-90-415

Dear Mr. Haines,

Please dismiss the above referenced case without prejudice. On behalf of Mr. Ashley, I am submitting its request and its advertising fee of \$283.74.

Thank you for your attention to this matter.

Sincerely,
Nick Commodari for
Mr. Charles Ashley

02-6 NY 3-13006
COUNTY BOARD OF APPEALS

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an M.H.-I.M. zone to an B.R.-I.M. zone; and (2) for a Special Exception, under the zone, for the reasons given in the attached statement; and (3) for a Variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property.

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Nicholas Commodari

Name

3410 Woodstock Avenue

Address

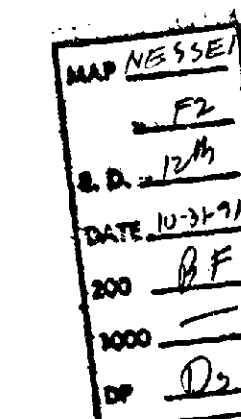
21213

235-6811

Phone No.

BARC - Form 1

10/26/90



Phone: 687-4922

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

February 26, 1990

No. 6800 North Point Blvd.

15th District Baltimore County, Maryland

Beginning for the same at the northeast corner of North Point Blvd. and Rolling Mill Road, thence binding on the northeast side of Rolling Mill Road North 51 degrees 52 minutes East 76.29 feet, thence running for two lines of division North 38 degrees 08 minutes West 143.50 feet and South 51 degrees 52 minutes West 60.63 feet to the Baltimore City, Baltimore County Boundary Line, thence binding on part of said Line Due South 81.45 feet to the north side of North Point Blvd. thence binding on the north side thereof by a line curving to the left with a radius of 2789.79 feet for a distance of 86.43 feet to the place of beginning.

Containing 0.30 acres of land more or less.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Receipt No. 3558

90-415

M9100276

Date: 10/03/90

PUBLIC HEARING FEES

QTY

PRICE

OBO -POSTING SIGNS / ADVERTISING 1 X \$283.74

TOTAL: \$283.74

LAST NAME OF OWNER: ASHLEY

D4404N0040K1CHRC \$283.74
BA C008147A110-03-90

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Receipt No. 1518

Date: 2/28/90

PUBLIC HEARING FEES

QTY

PRICE

OBO -RECLASSIFICATION 1 X \$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: ASHLEY

B 151*****17500* 3018F

Please make checks payable to: Baltimore County

Cashier Validation:

PURCHASE REQUISITION									
BALTIMORE COUNTY, MARYLAND OFFICE OF CENTRAL SERVICES									
PLEASE ORDER THE FOLLOWING FOR:									
Zoning Office									
DATE									
BUDGET CODE	YEAR	FUND	AGENCY	PROGRAM	OBJECT	EXP CODE	SPLIT	LINE NO.	DELIVERY CODE
01	90	01	02	02	04	12		1110	
ITEM NO. QUANTITY U/M DESCRIPTION OF MATERIAL UNIT PRICE TOTAL PRICE PURCHASE SUB-ORDER NO.									
1 1 Petition for Zoning Reclassification									
CASE NUMBER: R-90-415									
RE/S North Point Blvd. between City Line and Rolling Mill Road									
6800 Rolling Mill Road									
Legal Owner: Charles Ashley									
LEADING: NEWSCOM, NOVEMBER 28, 1990 at 10:00									
ISSUE: November 1, 1990									
COMMODITY CODE PURCHASE FROM Jeffersonian VENDOR NO. TERMS F.O.B.									
ITEM NO. QUANTITY U/M DESCRIPTION OF MATERIAL UNIT PRICE TOTAL PRICE P.O. NO.									
1 1 Petition for Zoning Reclassification									
COMMODITY CODE PURCHASE FROM VENDOR NO. TERMS F.O.B.									
BUYER CODE 16 TYPE CODE CONFIRMING TO: DATE APPROVAL - BUDGET OFFICE									
REQUESTED BY/CONTACT PERSON PHONE: PURCHASED BY: DATE:									
APPROVED BY: AGENCY NEW VENDOR MINORITY RED TAG SEALED BID NO.									
CEP 901 (REV. 3/88)									

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 26, 1990

Mr. Charles Ashley
6800 Rolling Mill Road
Baltimore, MD 21224



Dennis F. Rasmussen
County Executive

RE:

Item No. 16
Case No. R90-415
Petitioner: Charles Ashley
Reclassification Petition

Dear Mr. Ashley:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations to and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as requested to their accuracy and submit the necessary amendments to this office on or before October 26, 1990. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc:

Your petition has been received and accepted for filing this
1st day of March, 1990.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Kraft
James E. Kraft
Zoning Plans Advisory Committee

Petitioner: Charles Ashley
Petitioner's Attorney:

CHARLES ASHLEY #R-90-415
NE/S North Point Blvd. between City Line and Rolling Mill Rd. (6800 Rolling Mill Rd.) 15th Election District 7th Councilmanic District .3 acres ±
M.H.-I.M. to B.R.-I.M.

February 28, 1990 Petition filed.

*Mr. Charles Ashley
6800 Rolling Mill Road
Baltimore, MD 21224

Nicholas Commodari
3410 Woodstock Avenue
Baltimore, MD 21213

James Earl Kraft
Baltimore County Board of Education
940 York Road
Towson, MD 21204

Phyllis C. Friedman, Esquire People's Counsel for Balto. Co.

P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY
FROM M.H.-I.M. TO B.R.-I.M. ZONE : BOARD OF APPEALS
NE/S North Point Blvd. between :
City Line and Rolling Mill Rd. : OF BALTIMORE COUNTY
(6800 Rolling Mill Rd.) :
15th Election District :
7th Councilmanic District :
CHARLES ASHLEY, Petitioner : Case No. R-90-415
Item 16, Cycle III

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 26th day of April, 1990, a copy of the foregoing Entry of Appearance was mailed to Charles Ashley, 6800 Rolling Mill Rd., Baltimore, MD 21224, Petitioner, and Nicholas Commodari, 3410 Woodstock Ave., Baltimore, MD 21213, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

April 25, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHARLES ASHLEY
Location: #6800 ROLLING MILL ROAD
Item No.: 16 Zoning Agenda: APRIL 1990 - OCTOBER 1990

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly* Noted and Approved *Carl J. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND
interoffice correspondence

TO: ZONING ADVISORY COMMITTEE DATE: MAY 14, 1990
FROM: ROBERT W. BOWLING, P.E.

RE: Reclassification and Redistricting Petitions
Cycle III April 1990 - October 1990

We have reviewed the subject Cycle Zoning Items and we have no comments for Item 1, 2, 3, 7, 8, 10, 11, 12, 13, 15, and 16.

For Items 4, 5, 6, 9 and 14, the previous County Review Group Comments still apply.

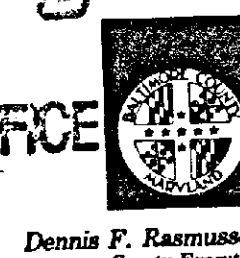
Robert W. Bowling
ROBERT W. BOWLING, P.E., CHIEF
Developers Engineering Division

RWB:s

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

May 14, 1990

RECEIVED
MAY 25 1990
ZONING OFFICE



Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, Maryland 21204

Zoning Classification Cycle III
Item No. 16
Property Owner:
Case No./Hearing Date:
Contract Purchaser:
Location:

April 1990 - October 1990

Charles Ashley
R-90-415/November 28, 1990

NE/S North Point Blvd. between
City Line and Rolling Mill Road
(No. 6800 Rolling Mill Road).

Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

M.H.-I.M.
15th
7th
.3 (+/-)
B.R.-I.M.

Dear Mr. Hackett:

The existing M.H.-I.M. zoning for this site can be expected to generate approximately 4 trips per day, and the proposed B.R.-I.M. zoning can be expected to generate approximately 600 trips per day.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

SUBJECT SITE

The subject property, located at the northeast corner of North Point Boulevard and Rolling Mill Road in the 15th Election District of Baltimore County, is presently zoned M.H.-I.M. and is improved with a tavern and accessory parking area. This use was granted a Special Hearing for a nonconforming use as a result of Case #85-1765/H. Surrounding properties are zoned B.R.-I.M. to the east across Rolling Mill Road and south across North Point Boulevard and are improved with a Burger King restaurant and a car dealership, respectively. To the north is property zoned M.H.-I.M. improved with a truck body repair building and storage yard, while property to the west is located in Baltimore City and is zoned M-3 improved with the remainder of the storage yard for the repair building. It should also be noted that the property located across North Point Boulevard and in Baltimore City is also zoned commercial (B-3-3) and together with the other two corners at this intersection and the subject property create a "commercial intersection".

REASONS FOR RECLASSIFICATION

The applicant respectfully requests that the subject property be reclassified to a B.R.-I.M. zone for the following reasons:

1. The subject property is not vacant, but rather, as already noted, is improved with a viable and prospering commercial use. Prior to 1970 with the adoption of County Council Bill #100, this use was permitted in the M.H.-I.M. zone. However, once this Bill #100 became effective in March of 1971, the use was excluded from the M.H. zones, and, therefore, it became nonconforming. It is the intention of the applicant to place the subject property in a commercial zone.

2. The existing commercial uses and zoning of the other three (3) corners, as previously noted, clearly support the fact that the subject property should be reclassified to conform to the commercial nature of the intersection. The four (4) corners with their existing commercial uses currently form a "commercial intersection" that has coexisted with the surrounding community for sometime.

3. Since the subject property was never brought to the attention of the Baltimore County Planning Office as an issue

on previous zoning cycle requests and/or the quadrennial comprehensive zoning map process, the existing zoning of the subject property was never questioned. If the issue had been raised, the subject property would have been reclassified. This was done for similar properties along North Point Boulevard (i.e. existing commercial uses on industrially zoned land). These properties will be identified at the scheduled hearing in the Fall of 1990.

4. The aforementioned two (2) corners, located in Baltimore County that are zoned B.R.-I.M. and improved with commercial uses, were reclassified from M.H.-I.M. to B.R.-I.M. in 1976. It was an error not to include the already existing commercial use on the subject property in this new commercial zoning for the entire intersection.

5. Due to the location of the subject property at the major intersection of North Point Boulevard and Rolling Mill Road, it is most conducive to commercial zoning as opposed to a manufacturing zoning which may produce a use that would be better located to the rear of Rolling Mill Road out of the visibility of through traffic.

6. Preliminary meetings with members of the planning staff indicate that the request appears reasonable and a favorable response would be definitely possible.

For the above reasons and other documentation, which will be presented at the scheduled hearing, the applicant respectfully submits an error was made and that a reclassification to B.R.-I.M. zoning would constitute logical planning practices. In addition, rather than compromise the spirit and intent of the zoning regulations, reclassification of the subject property would more readily conform with the existing character of the surrounding area.



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

October 5, 1990

Mr. Charles Ashley
6800 Rolling Mill Road
Baltimore, Maryland 21224

Re: Case No. R-90-415 (Charles Ashley)

Dear Mr. Ashley:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. Nicholas Commodari
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastorowicz
James E. Dyer
W. Carl Richards, Jr.
Pocket Clerk - Zoning
Arnold Jablon, County Attorney

April 17, 1990

NOTICE OF HEARING

Petitions for Zoning Re-classification
Case Number: R-90-415
W/S North Point Blvd. between City Line and Rolling Mill Road
6800 Rolling Mill Road
Legal Owner(s): Charles Ashley

Petition to reclassify the property from an M. R. - I.M. to an B. R. - I.M. zone.

TIME: 10:00 a.m.

DATE: WEDNESDAY, NOVEMBER 28, 1990

LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Charles Ashley
Nicholas Commodari
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITHIN RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

